

## **815 KAR 35:015. Certification of electrical inspectors.**

RELATES TO: KRS 198B.060, 198B.090, 211.350, 227.450, 227.480, 227.489, 227.491, 227.492

STATUTORY AUTHORITY: KRS 227.489

NECESSITY, FUNCTION, AND CONFORMITY: KRS 227.489 requires the commissioner of the Department of Housing, Buildings and Construction to certify electrical inspectors based on standards of the National Electrical Code. This administrative regulation establishes the procedures for achieving and maintaining the certification.

Section 1. Definitions. (1) "Applicant" means the person seeking to be certified as an electrical inspector.

(2) "Certified electrical inspector" means a person who has:

(a) Met the requirements established in this administrative regulation; and

(b) Been issued a certificate by the department.

(3) "Code" means the National Electrical Code (NEC), which is incorporated by reference in 815 KAR 7:120 and 815 KAR 7:125.

(4) "Division" means the Electrical Division within the Department of Housing, Buildings and Construction.

(5) "Electrical" is defined by KRS 227.450(3).

(6) "Electrical industry" means the industry engaged in the generation, transmission, and distribution of electricity and the design, manufacture, construction, installation, alteration, or repair of electrical wiring, facilities, and apparatus for the utilization of electricity.

(7) "Commissioner" means the commissioner of the Department of Housing, Buildings and Construction.

(8) "Department" means the Department of Housing, Buildings, and Construction.

(9) "NCPCCI" means National Certification Program for Construction Code Inspectors, which administers examinations developed by national code enforcement organizations in collaboration with the Educational Testing Service for the purpose of providing nationally recognized evidence of competence in construction code enforcement.

Section 2. Applicability. This administrative regulation shall apply to an electrical inspector in Kentucky and to an applicant for certification as an electrical inspector.

Section 3. Categories of Certified Electrical Inspectors. (1) A certified electrical inspector shall be classified as an:

(a) Electrical inspector one (1) and two (2) family; or

(b) Electrical inspector general.

(2) An electrical inspector one (1) and two (2) family shall be:

(a) A person who has passed the NCPCCI 2A examination; and

(b) Qualified to inspect and approve an electrical installation related to a:

1. One (1) or two (2) family dwelling; or

2. Manufactured or mobile home.

(3) An electrical inspector general shall be:

(a) A person who has passed the NCPCCI 2B examination; and

(b) Qualified to inspect and approve an electrical installation related to any type of residential, commercial, industrial, or other property that requires electrical inspection.

Section 4. Application Requirements for Certification. (1) An applicant for certification as an

electrical inspector shall:

(a) 1. Have at least five (5) years of experience immediately preceding the application in the installation and design of all types of:

a. Residential wiring systems installed in accordance with the code, if the applicant is applying for certification as an electrical inspector one (1) and two (2) family; or

b. Residential, commercial, and industrial wiring systems installed in accordance with the code, if the applicant is applying for certification as an electrical inspector general;

2. Be a registered professional electrical engineer engaged in that profession for at least three (3) years immediately preceding the application; or

3. Be currently licensed as a master electrician and have been actively engaged in the electrical trade in that capacity immediately preceding the application;

(b) Possess:

1. The ability to read and write the English language; and

2. A general educational level at least adequate to perform his or her duties;

(c) Submit a completed Form EL-11, Application for Electrical Inspector Certification, which shall be:

1. Notarized; and

2. Received by the department at least thirty (30) days prior to the next scheduled Electrical Advisory Committee meeting; and

(d) Submit with the application:

1. Proof of successful completion of the NCPCCI examination applicable to the certification sought, as established by Section 3(2)(a) and (3)(a) of this administrative regulation;

2. Except as established by subparagraph 4. of this paragraph, a fee of \$100 dollars payable to the Kentucky State Treasurer;

3. A recent passport-sized, color photograph of the applicant taken within the past six (6) months; and

4. The fee established by subparagraph 2. of this paragraph shall not apply to an electrical inspector employed by the department.

(2) If an otherwise qualified applicant is not able to demonstrate compliance with the experience requirements established in subsection (1)(a) of this section, the applicant may request to appear before the Electrical Advisory Committee to establish his or her background in and familiarity with electrical construction through other means. The department with recommendations from the Electrical Advisory Committee shall:

(a) Review the documentation; and

(b) Approve the applicant if it is satisfied that the applicant's qualifications are substantially equivalent to the experience requirements established in subsection (1)(a) of this section.

(3) An applicant shall receive credit earned for an electrical course satisfactorily completed from an accredited vocational school or college on a year-for-year basis. Credit for education to replace an applicant's experience requirements shall be limited to a total of two (2) years.

Section 5. Renewals of "General" and "One (1) and Two (2) Family" Certificates. (1) Certification shall:

(a) Be issued to an individual; and

(b) Not be issued to a corporation, partnership, company, or other entity.

(2) Each applicant seeking to renew his or her electrical inspector certification shall submit to the division:

(a) A completed Electrical Inspector Certification Renewal Application on Form EL-12;

(b) The renewal fee required by subsection (5) of this section;

(c) Proof of compliance with the continuing education requirements established in Section

6(1) of this administrative regulation;

(d) If the applicant is employed by a local government as an electrical inspector, documented proof of continued employment signed by the hiring authority responsible for administering the local jurisdiction's inspection and code enforcement program;

(e) For each local jurisdiction with which the applicant is contracted to act as an electrical inspector, a copy of the current contract naming the applicant and establishing the terms and conditions of his or her authority; and

(f) For each local jurisdiction with which the applicant is employed or contracted to act as an electrical inspector, a copy of the ordinance fixing the schedule of fees authorized to be charged for electrical inspections within that jurisdiction.

(3)(a) An applicant who has previously submitted a document required by subsection (2)(e) and (f) of this section in connection with a prior renewal shall not be required to resubmit that document with his or her application for renewal if it remains current and effective at the time of the current renewal.

(b) Within ten (10) days of the occurrence, a certified electrical inspector shall provide the division:

1. Notice of any establishment, change, or termination of the inspector's contract with a local jurisdiction;

2. A copy of any new or revised contract executed with a local jurisdiction;

3. Notice of the termination of employment by a local government as an electrical inspector;

4. Notice of new employment by a local government as an electrical inspector, signed by the hiring authority responsible for administering the local jurisdiction's inspection and code enforcement program; and

5. For any local jurisdiction with which the electrical inspector is employed or contracted, a copy of any ordinance amending the schedule of fees authorized to be charged for electrical inspections within that jurisdiction.

(4) Each electrical inspector certification shall expire on the last day of the inspector's birth month each year. The office shall mail each certified inspector, prior to the date of expiration, a renewal application form, and the certification shall be renewed subject to the provisions of this administrative regulation.

(5) A renewal fee of fifty (50) dollars shall be paid by each certified electrical inspector on or before the last day of the inspector's birth month in each succeeding year to maintain certification.

(6) Delinquent renewal fee. A certified electrical inspector who fails to submit the application and fee for renewal on or before the last day of his or her birth month shall pay a delinquent fee of fifty (50) dollars in addition to the renewal fee. If both fees are not paid and all required continuing education not completed within sixty (60) days after the last day of the inspector's birth month, the certification shall be canceled and shall not be renewed.

(7) Reinstatement. A certificate that has been revoked or canceled may be reinstated at the discretion of the commissioner upon petition demonstrating just cause why the petitioner could not have complied with the renewal requirements established by this section.

(8) An applicant for reinstatement shall:

- (a) Pay a reinstatement fee of \$100;

- (b) Comply with the requirements established by subsection (2) of this section;

- (c) Pay the delinquent renewal fee required by subsection (6) of this section; and

- (d)1. Submit proof of continuing education required by Section 6(1) of this administrative regulation for each year the certificate was revoked or cancelled; or

2. Submit proof of having passed the NCPCCI examination applicable to the certification to be reinstated, as established by Section 3(2)(a) and (3)(a) of this administrative regulation,

within the current year.

(9) The requirements of this section shall not apply to a state-employed electrical inspector.

Section 6. Duties and Responsibilities of a Certified Electrical Inspector. (1) Each certified electrical inspector shall attend at least one (1) continuing education program of a minimum of twelve (12) hours each year. The program shall be approved by the department with advice from the Electrical Advisory Committee in accordance with the requirements established by 815 KAR 35:100.

(2) Each electrical inspection shall be conducted in a manner to verify compliance with the code, the Kentucky Building Code as adopted and incorporated by reference in 815 KAR 7:120, the Kentucky Residential Code as adopted and incorporated by reference in 815 KAR 7:125, and the Kentucky Standards of Safety as adopted and incorporated by reference in 815 KAR 10:060.

(3) In addition to the code, the electrical inspector shall be familiar with the applicable building codes and fire safety codes governing buildings in the area in which the inspector performs an inspection to determine the occupancy load of a facility.

(4) The electrical inspector shall make an inspection upon request of the electrical contractor.

(5) The electrical inspector shall comply with the requirements of 815 KAR 35:020.

(6)(a) A temporary construction service approval shall receive a green sticker and a certificate of approval.

(b) For an installation subject to KRS 211.350, the electrical inspector shall not issue a certificate of approval or otherwise release the property for the supply of electricity until he or she has received the local health department's "Initial Notice of Release" (Notice of Release for Temporary Electrical Service, Form PHPS-001) and has recorded its number upon the certificate of approval.

(7) Except for manufactured homes, the electrical inspector shall make a rough-in and final inspection on a building's electrical system installation and other inspections necessary to approve the installation.

(a) Upon completion of the rough-in inspection, the inspector shall attach a red sticker with his or her signature and certification number on the main service equipment or at some other appropriate location.

(b) A "service only" approval may be issued by the inspector to provide temporary power for heating and lighting for the building during completion of construction and shall not authorize occupancy of the facility. The sticker issued for "service only" approval shall be yellow.

(c) Upon final approval of an electrical installation, the inspector shall:

1. Attach a green sticker to the main service equipment:

- a. With his or her signature and certification number, name of the project, and location; and
- b. Stating that the system has been inspected for compliance with the code; and

2. Provide the owner or the owner's agent with a certificate of approval. For an installation subject to KRS 211.350, the electrical inspector shall not issue a certificate of approval or otherwise release the property for the supply of electricity until he or she has received the local health department's "Final Notice of Release" (Notice of Release for Permanent Electrical Service, Form PHPS-002) and has recorded its number upon the certificate of approval.

(8) A red, yellow, or green sticker or a certificate of approval to be used by the electrical inspector shall be of a type and format issued or approved by the department.

(9) Each electrical inspector shall make and retain for a minimum of three (3) years a complete record of each inspection and make it available to the department upon request. The record shall contain, as a minimum:

- (a) Sufficient information to identify the location of the structure inspected;
  - (b) The date of the inspection;
  - (c) The type of structure, whether residential, commercial, industrial, or other;
  - (d) The designation of a required permit and the agency granting the permit;
  - (e) The size and complexity of the structure; and
  - (f) Deficiencies in meeting code requirements and the action required to comply.
- (10) Violation of KRS 211.350(8) by a certified electrical inspector shall constitute misconduct.

Section 7. Complaints and Grievance Procedures. (1) A person may file a complaint against a certified electrical inspector if the person believes that an act or omission of the inspector in the performance of his or her duties is in violation of this administrative regulation or other law or has caused an undue hardship to the person.

(2) A complaint or allegation of misconduct shall be submitted in writing to the commissioner and shall:

- (a) Include the nature of the alleged misconduct, with specific details as to acts, names, dates, and witnesses; and
  - (b) Specify the action requested of the commissioner.
- (3) Following an investigation, the commissioner shall:
- (a) Cause the matter to be heard and a recommendation rendered by the Electrical Advisory Committee;
  - (b) Set the matter for public hearing; or
  - (c) Take other appropriate action in accordance with KRS 227.495 to resolve or correct the matter.

Section 8. Suspension and Revocation of Certification. The commissioner shall revoke, suspend, or refuse to renew the certificate of an electrical inspector who is determined, by the commissioner after having afforded the opportunity for a KRS Chapter 13B administrative hearing, to have:

- (1) Engaged in an activity that constitutes a conflict of interest, including:
  - (a) Work as an electrical contractor or electrician;
  - (b) Involvement in an activity in the electrical industry; or
  - (c) Having a pecuniary or associational interest in a business or other venture involved in an activity in the electrical industry;
- (2) Engaged in fraud, deceit, or misrepresentation in obtaining certification;
- (3) Been guilty of negligence, incompetence, or misconduct in the field of electrical inspection;
- (4) Affixed or caused to be affixed a seal of approval or issued a certificate of approval for an electrical installation subject to inspection if he or she has not personally inspected the installation and found it to be satisfactory in accordance with the code;
- (5) Operated as an electrical inspector in a locality in conflict with state or local laws, ordinances, or regulations;
- (6) Knowingly overruled the proper findings of another electrical inspector or attempted to supplant, overrule, or otherwise invalidate the judgment of another electrical inspector without first obtaining express written consent from the designated inspector's office supervising the original inspector;
- (7) Failed to maintain accurate and adequate recordkeeping as required by Section 6 of this administrative regulation; or
- (8) Violated any provision of KRS 227.491 or this administrative regulation.

Section 9. Electrical Inspections by State-Employed Certified Electrical Inspectors. (1) State-owned property, including each building being constructed by the state under the authority of the Finance and Administration Cabinet, shall be inspected by a certified electrical inspector who is an employee of the state.

(2) A state-employed certified electrical inspector shall inspect any electrical work subject to inspection within a local jurisdiction if a certified electrical inspector has not been made available by the local government.

(3) A state-employed certified electrical inspector shall assert jurisdiction for the electrical inspection of a project subject to state plan review pursuant to Kentucky Building Code, 815 KAR 7:120.

(4) A state-employed certified electrical inspector may inspect a state leased facility that is not otherwise subject to state inspection pursuant to this section, upon request.

Section 10. Interpretations. If a provision of the code is shown to be unreasonable or impractical as applied to a particular installation, and if deviation from strict compliance would not create a safety hazard because of a particular use or condition, an individual may request to appear before the Electrical Advisory Committee of the Department of Housing, Buildings and Construction to request a modification to the code. Upon advice from the committee, the department shall render its decision in the matter and the decision shall be appealable to the Board of Housing, Buildings and Construction in accordance with KRS 198B.070 and the Kentucky Building Code, 815 KAR 7:120, or Kentucky Residential Code, 815 KAR 7:125.

Section 11. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) Form EL-11, "Application for Electrical Inspector Certification", May 2015, Department for Housing, Buildings and Construction;

(b) Form EL-12, "Electrical Inspector Certification Renewal Application", May 2015, Department for Housing, Buildings and Construction;

(c) Form PHPS-001, "Notice of Release for Temporary Electrical Service", May 1998 Edition, Department for Public Health; and

(d) Form PHPS-002, "Notice of Release for Permanent Electrical Service", May 1998 Edition, Department for Public Health.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, Electrical Section, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5412, Monday through Friday, 8 a.m. to 4:30 p.m. (13 Ky.R. 2174; eff. 7-2-1987; Am. 17 Ky.R. 2898; 3108; eff. 5-3-1991; 21 Ky.R. 125; eff. 9-12-1994; 22 Ky.R. 117; 594; eff. 9-7-1995; 2346; eff. 8-1-1996; 24 Ky.R. 767; 1097; eff. 11-5-1997; 25 Ky.R. 1193; eff. 2-18-1999; 26 Ky.R. 1049; eff. 1-11-2000; 27 Ky.R. 242; eff. 9-11-2000; 3380; eff. 8-15-2001; 31 Ky.R. 1750; 32 Ky.R. 83; eff. 8-5-2005; 41 Ky.R. 2645; 42 Ky.R. 298; eff. 9-4-2015.)